

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF TEXAS

3 SAN ANTONIO DIVISION

4 HOLCOMBE, et al.,)

5 Plaintiffs,)

6 vs.) Civil Action No.

7 UNITED STATES OF AMERICA,) 5:18-CV-00555-XR

8 Defendant.) (Consolidated cases)

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10
11 REMOTE ORAL VIDEOTAPED DEPOSITION

12 UNITED STATES OF AMERICA

13 BY ITS CORPORATE REPRESENTATIVE

14 JAMES KEVIN POORMAN

15 Thursday, July 9, 2020

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24 Reported by:

25 Rebecca Callow, RMR, CRR, RPR

1 A. Yes. That's right up front. Yes.

2 Q. Let me ask you this:

3 When a manual like this is released, or
4 changes to a manual like this are released by
5 Air Force Office of Special Investigations, how do
6 they let the agents on the ground know about a change
7 or a new manual --

8 A. They send out a worldwide email --

9 Q. Did they do anything else --

10 A. -- it goes to everybody. I'm sorry.

11 Q. Do they do anything else other than
12 emailing all agents?

13 A. Not routinely, no.

14 Q. Okay. Let's look at some of the specifics
15 in this manual. I'm going to show you page 75.

16 All right. You should see page 75,
17 AFOSI Manual 71-121. Right?

18 A. Yes.

19 Q. Okay. So under this manual, do you see
20 Paragraph 5.14.1.2?

21 A. Yes.

22 Q. And it's the paragraph titled "Unit
23 Leadership Review." Right?

24 A. Yes.

25 Q. It requires that unit leadership must

1 review all FD-249, both hard copy and electronic
2 when accomplished, and R-84 for accuracy and
3 completeness, before sending them to the FBI.

4 Right?

5 A. Yes.

6 Q. And this is a supervisory obligation of
7 unit leadership. Right?

8 A. Yes.

9 Q. And unit -- unit leadership are not
10 personally responsible for sending fingerprints and
11 the final dispositions to the FBI. Right?

12 A. They're not personally responsible.
13 Normally, it's a case investigator or another in the
14 unit, if I'm understanding that question, yes.

15 Q. Yes. Their obligation is supervisory, and
16 that they are supervising individuals in their
17 command to ensure that they do their jobs
18 appropriately. Right?

19 A. Yes.

20 Q. And part of that supervisory responsibility
21 is to review these fingerprint cards and the R-84s
22 before sending -- before the agent sends them on to
23 the FBI. Right?

24 A. Yes.

25 Q. What training does Air Force OSI provide

1 unit leadership in conducting these types of
2 reviews?

3 A. No special training on that aspect.

4 Q. What training did AFOSI provide unit
5 leadership in conducting case file reviews?

6 A. There's no special course or training for
7 that.

8 Q. And this might be just a lawyer question,
9 but you say there's no special course. Is there
10 some sort of un-special course?

11 Is there -- you know, I'm trying to
12 capture any possible training that AFOSI might give
13 to unit leadership on this type of review, either the
14 case file review or the review of the fingerprints
15 and the final disposition.

16 A. Well, it takes me back to the definition of
17 "training." So there's no special course that they
18 go to and sit down in a classroom and they get
19 instructed on how to do that.

20 So when I mean special training, I
21 mean that kind of training. They get training. The
22 training is on-the-job training. They went through
23 the same training that the same people that are
24 supposed to supervise and do that.

25 The training consists -- plus

1 Q. Even though a unit leader is supposed to
2 also do case file reviews on a monthly basis. Fair?

3 A. Yes.

4 Q. And are supposed to specifically review the
5 fingerprints and R-84s, the final dispositions, for
6 accuracy and completeness. Right?

7 A. Yes.

8 Q. And let me talk to you about why that
9 review is important. Because if the fingerprint
10 card or the R-84 is not filled out accurately or
11 completely, the FBI might send it back. Right?

12 A. Yes.

13 Q. So it's important that you have a second
14 set of eyes reviewing those cards to make sure that
15 those cards are filled out accurately and
16 completely. Fair?

17 A. Yes.

18 Q. Okay. Let me share my screen again, and
19 keep going on the same manual.

20 Do you see page 75 of AFOSI
21 Manual 71-121 still?

22 A. I do.

23 Q. And we're still on Bates stamp page
24 USA 492. Right?

25 A. Correct.

I, Rebecca J. Callow, Registered Merit Reporter, Certified Realtime Reporter, Registered Professional Reporter and Notary Public in and for the State of Texas, hereby certify to the following.

That the witness, JAMES KEVIN POORMAN, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

1 That the original deposition was delivered
2 to Jamal Alsaffar.

3
4 That a copy of this certificate was served
5 on all parties and/or the witness shown herein on
6 July 17, 2020.

7
8 I further certify that pursuant to FRCP
9 Rule 30(f)(1) that the signature of the deponent:

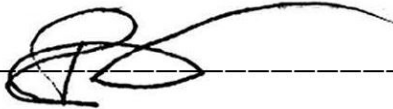
10 [X] was requested by the deponent or a
11 party before the completion of the deposition and is
12 to be returned within 30 days from date of receipt
13 of the transcript. If returned, the attached
14 Changes and Signature Page contains any changes and
15 the reasons therefor;

16 [] was not requested by the deponent or
17 a party before the completion of the deposition.

18 I further certify that I am neither
19 counsel for, related to, nor employed by any of the
20 parties or attorneys to the action in which this
21 proceeding was taken. Further, I am not a relative
22 or employee of any attorney of record in this cause,
23 nor am I financially or otherwise interested in the
24 outcome of the action.

25

SUBSCRIBED AND SWORN TO under my hand and
seal of office on this the 17 day of July, 2020.

A handwritten signature in black ink, appearing to read 'Rebecca J. Callow', is written over a horizontal dashed line.

Rebecca J. Callow, RMR, CRR, RPR
Notary Public, Travis County, Texas
My Commission No. 12955701-3
Expires: 09/12/2021
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